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March 20, 2023

VIA ECF

The Honorable Vera M. Scanlon
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Gracie Baked LLC, et al. v. GiftRocket, Inc. et al.*,
No. 1:22-CV-04019 (RPK) (VMS)**

Dear Judge Scanlon:

Pursuant to Your Honor's Orders dated March 6, 2023, the parties jointly write to (1) answer the Court's question of "whether discovery should proceed in light of the jurisdictional dispute raised in the motion to dismiss," and (2) submit an amended Stipulation and Order Governing the Production of Electronically Stored Information. The latter will be shortly filed as a separate docket entry, and incorporates amendments pursuant to Your Honor's March 6, 2023 Order.

Regarding the Court's question of whether discovery should proceed, the parties jointly agree that no stay on discovery is presently warranted.

Plaintiffs' position

Plaintiffs respectfully believe discovery should proceed on schedule in accordance with the deadlines set by the Court. While Plaintiffs are of the position that Defendant's previous jurisdictional arguments lacked merit, in light of the Amended Complaint filed on March 10, 2023, there is currently no jurisdictional dispute.

Defendant's Position

Plaintiffs filed an Amended Complaint on March 10, 2023, mooted Defendant's Motion to Dismiss. Accordingly, there is no pending jurisdictional challenge and no reason to stay discovery at this time. However, Defendant is in the process of analyzing the Amended Complaint, which adds one new Plaintiff and four new individual Defendants, who have yet to appear in this case. Defendant reserves the right to move for a stay of discovery at a future date, if appropriate.

Counsel for Defendants has reviewed this letter and consents to its filing.

Hon. Vera M. Scanlon
March 20, 2023
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Sincerely,

/s/ Alison Borochoff-Porte

Alison Borochoff-Porte

cc: All counsel of record (via ECF)